

1 Robert F. McCauley (SBN 162056)
robert.mccauley@finnegan.com
2 Arpita Bhattacharyya (SBN 316454)
arpita.bhattacharyya@finnegan.com
3 Jeffrey D. Smyth (SBN 280665)
jeffrey.smyth@finnegan.com
4 **FINNEGAN, HENDERSON, FARABOW,**
GARRETT & DUNNER, LLP
5 3300 Hillview Avenue
Palo Alto, California 94304
6 Telephone: (650) 849-6600
Facsimile: (650) 849-6666
7

Attorneys for Plaintiff and Counterdefendant
8 ASETEK DANMARK A/S and
Counterdefendant ASETEK USA, INC.
9

10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
11 **SAN FRANCISCO DIVISION**
12

13 ASETEK DANMARK A/S,
14 Plaintiff and
Counterdefendant,

15 ASETEK USA, INC.,
16 Counterdefendant,

17 v.

18 COOLIT SYSTEMS, INC.,
19 Defendant and
20 Counterclaimant,
21 COOLIT SYSTEMS USA INC., COOLIT
SYSTEMS ASIA PACIFIC LIMITED,
22 COOLIT SYSTEMS (SHENZHEN) CO.,
LTD.,

23 Defendants,

24 CORSAIR GAMING, INC. and CORSAIR
25 MEMORY, INC.,

26 Defendants.
27
28

CASE NO. 3:19-cv-00410-EMC

**DECLARATION OF ARPITA
BHATTACHARYYA IN SUPPORT OF
ASETEK DANMARK A/S AND ASETEK
USA, INC.'S RESPONSE TO
DEFENDANTS' MOTION TO STRIKE
PORTIONS OF THE EXPERT REPORT OF
DR. DAVID B. TUCKERMAN REGARDING
INVALIDITY OF U.S. PATENT NOS.
8,746,330; 9,603,284; AND 10,274,266**

Date: May 5, 2022
Time: 1:30 PM
Location: Courtroom 5, 17th Floor
Judge: Hon. Edward M. Chen

1 I, Arpita Bhattacharyya, declare as follows:

2 1. I am an attorney licensed to practice before this Court and all courts of the State of
3 California, and am a Partner with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, counsel
4 for Plaintiff and Counterdefendant Asetek Danmark A/S (“Asetek”) in the above-entitled action. I
5 submit this declaration in support of Asetek’s Response to Defendants’ Motion to Strike Portions of
6 the Expert Report of Dr. David B. Tuckerman Regarding Invalidity of U.S. Patent Nos. 8,746,330;
7 9,603,284; And 10,274,266. The matters stated herein are based upon my personal knowledge, and if
8 called as a witness, would testify as to the following statements.

9 IDENTIFICATION OF EXHIBITS

10 2. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt of the
11 December 20, 2021 deposition of Dr. David Tuckerman, Asetek’s expert.

12 3. Attached hereto as **Exhibit B** is a true and correct copy of an excerpt of the March 18,
13 2022 deposition of Dr. David Tuckerman, Asetek’s expert.

14 RELEVANT FACTS CITED IN ASETEK’S MOTION

15 4. A physical sample of Danger Den-RBX prior art system was disclosed to CoolIT for
16 inspection on June 25, 2021. During CoolIT’s counsel and its expert’s inspection of the Danger Den-
17 RBX in Asetek’s counsel’s offices in Palo Alto, Asetek’s counsel informed CoolIT’s counsel that
18 Asetek intends to use Danger Den-RBX as a background/state-of-the-art reference. CoolIT’s counsel
19 did not object or respond.

20 5. During expert discovery, Asetek’s counsel and Dr. Tuckerman realized that
21 measurements of the channel widths of the Antarctica device may vary a few micrometers from
22 channel-to-channel and product-to-product depending on where the measurement is taken (base vs.
23 top of the channel) and the force applied on the calipers during the measurement (because the
24 channels in the Antarctica are made of very soft copper that indents under force from the calipers’
25 measurement tips). Dr. Tuckerman accounted for this in his Invalidity Report. *See* Dkt. 401-8, ¶57.

26 6. Earlier in the case, Asetek’s counsel had difficulty understanding CoolIT’s vague
27 mappings and assertions in CoolIT’s infringement contentions, and I asked to meet and confer with
28 CoolIT’s counsel in good faith to better understand CoolIT’s contentions. Counsel for the parties

1 met and conferred in CoolIT's attorney's offices in Palo Alto, CoolIT's counsel better explained its
2 positions, and the issues were resolved without any need for motion practice, much less a tactical
3 motion to strike after close of fact and expert discovery. CoolIT's counsel did not request
4 clarification regarding any aspect of Asetek's Invalidity Contentions.

5 7. Dr. Tuckerman's invalidity opinions are not using the Danger Den-RBX device as a
6 secondary reference or a ground reference to fill gaps in Antarctica. He is using Danger Den-RBX as
7 a background/foundational reference to show that: 1) using "split-flow to improve thermal
8 efficiency" was well-known prior to CoolIT's alleged invention, and 2) fluid heat exchangers with
9 separate "housing" and "plate" and a "seal" therebetween were known in the field of computer liquid
10 cooling by August 2007 (i.e., the date of CoolIT's purported invention). Dr. Tuckerman has not
11 opined that the Antarctica would have been modified in view of Danger Den-RBX, or that
12 Antarctica would have been combined with Danger Den-RBX to establish any claim limitations.

13 8. Dr. Tuckerman included color-coded annotations of the Danger Den-RBX design and
14 workings of the Danger Den-RBX to be thorough in supporting his opinion about the state of the art.

15 9. CoolIT deposed Dr. Tuckerman about the Danger Den-RBX, and CoolIT's expert had
16 an opportunity to respond.

17 10. Dr. Tuckerman's Invalidity Report does not advance an anticipation position based
18 on Chang, or a standalone obviousness position based on Chang; it only raises an obviousness
19 combination based on Antarctica in view of Chang.

20 11. Dr. Tuckerman's statement in his Report that "Chang discloses every limitation of the
21 asserted claims" was only made by Dr. Tuckerman to support his argument that a skilled artisan
22 would have been motivated to combine Antarctica and Chang. Dr. Tuckerman will not argue at trial
23 that Chang alone, without being combined with Antarctica, would invalidate CoolIT's '330 patent
24 claims.

1 I declare under penalty of perjury under the laws of the United States for the forgoing is true
2 and correct. Executed this 14th day of April 2022, at Palo Alto, California

3
4 By: /s/ Arpita Bhattacharyya
5 Arpita Bhattacharyya
6 *Attorneys for Plaintiff and Counterdefendant*
7 *ASETEK DANMARK A/S and*
8 *Counterdefendant ASETEK USA, INC.*
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28